

BRANCART & BRANCART  
Christopher Brancart (SBN 128475)  
Elizabeth Brancart (SBN 122092)  
Post Office Box 686  
Pescadero, CA 94060  
Tel: (650) 879-0141  
Fax: (650) 879-1103  
[cbrancart@brancart.com](mailto:cbrancart@brancart.com)  
[ebrancart@brancart.com](mailto:ebrancart@brancart.com)

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDITH MACIAS, individually and on  
behalf of similarly situated  
individuals; HOTON DURAN;  
TIFFANY HUYNH; AURA MENDIETA;  
WILLIAM LABOY; MIGUEL ACOSTA;  
CRUZ ACOSTA; CUAUHEMOC  
TORAL; and TERESA VILLEGAS,

Plaintiffs,

vs.

THOMAS J. TOMANEK; and  
MARK GARIBALDI, individually  
and doing business as THE  
GARIBALDI COMPANY,

Defendants.

Case No. C07-3437 JSW

JOINT APPLICATION AND  
STIPULATION FOR DISMISSAL OF  
ACTION; ~~PROPOSED~~ ORDER

The parties hereby apply for and stipulate to issuance of an order dismissing this action in its entirety with prejudice, subject to the terms of the Final Order and Judgment entered by the Superior Court of Alameda County on August 27, 2009, granting final approval of the proposed class action settlement according to the terms of the Stipulation and Class Settlement Agreement in Macias, et al. v. Tomanek, et al., Case No. HG08366692.

1 So stipulated.

2 **Plaintiffs' counsel attests that the foregoing document is acceptable to all**  
3 **parties required to sign below.**

4 Dated: October 29, 2009.

5 Respectfully submitted,

6 BRANCART & BRANCART

7 /s/ Elizabeth Brancart

8 Elizabeth Brancart

9 Attorneys for Plaintiffs

10 ALLMAN & NIELSEN, P.C.

11 /s/ Sara B. Allman

12 Sara B. Allman

13 Attorneys for Defendant

14 Thomas J. Tomanek

15 WENDEL ROSEN BLACK  
& DEAN, LLP

16 /s/ Carl D. Ciochon

17 Carl D. Ciochon

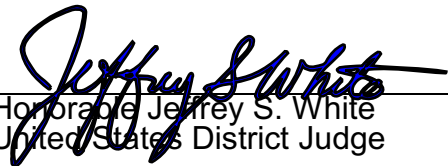
18 Attorneys for Defendant Mark Garibaldi,  
19 Individually and doing business as  
20 The Garibaldi Company  
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~~[PROPOSED]~~ ORDER

Based upon the foregoing application and stipulation and good cause appearing therefor, it is hereby ordered that this action is dismissed in its entirety with prejudice, subject to the terms of the Final Order and Judgment entered by the Superior Court of Alameda County on August 27, 2009, granting final approval of the proposed class action settlement according to the terms of the Stipulation and Class Settlement Agreement in Macias, et al. v. Tomanek, et al., Case No. HG08366692.

IT IS SO ORDERED.

Dated: October 29, 2009.

  
Honorable Jeffrey S. White  
United States District Judge